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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

PLMII

FILE: B-197402

DATE: September 16, 1980

MATTER OF: Captain William I. Parrish, USN

DIGEST: *[Request For]* A service member authorized reimbursement of ~~the~~ cost of transoceanic transportation used when performing travel upon PCS who traveled by privately owned sailboat may be reimbursed only necessary expenses directly connected with the operation of the vessel (fuel, oil and docking fees), provided they do not exceed the amount which would have been paid by the sponsoring service for available Government transportation.

The Disbursing Officer, Personnel Support Activity, Pensacola, Florida, *Post* requests an advance decision concerning payment on a voucher submitted for reimbursement of expenses incurred in transoceanic travel by a privately owned boat or vessel in connection with a permanent change of station (PCS). The request, forwarded by the Navy Accounting and Finance Center, has been assigned Control No. 80-4 by the Per Diem, Travel and Transportation Allowance Committee. *AGC00604*

The member is entitled to reimbursement of actual expenses limited to those expenses directly connected with the operation of the privately owned boat or vessel used in the transoceanic travel not to exceed the cost of Government air transportation or Government procured air transportation.

Captain William I. Parrishⁿ was authorized travel by Government air transoceanic travel at personal expense upon PCS from Kenitra, Morocco, to Pensacola, Florida, in accordance with paragraph M4159-5 of Volume 1, Joint Travel Regulations (1 JTR), with reimbursement of the cost of transoceanic transportation actually used when performing circuitous travel not to exceed the total amount he would have been entitled to for travel between his old and new permanent duty stations via the direct route. Incident to these orders, he used a privately owned sailboat to make the PCS.

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The submission questions whether or not there is an entitlement to reimbursement for actual expenses incurred. The itemized voucher lists these expenses as diesel fuel, \$200; lube oil, \$30; food and consumable stores, \$778.83; transit insurance for the voyage, \$500; and mooring and docking fees, \$30.68. The Navy Accounting and Finance Center endorsement indicates that reimbursement of actual expenses should be limited to fuel, oil and docking fees not to exceed the cost of Government air or Government procured air for the transoceanic travel. No comparative cost of air transportation is furnished.

The travel of members of the uniformed services at Government expense is governed by section 404 of title 37, United States Code, which authorizes the payment of travel and transportation allowances to members upon a PCS under regulations prescribed by the Secretaries concerned. It has also been held that there is a statutory assumption by the Government of an obligation to pay the necessary travel expenses without such express authorization for the payment of commuted allowances, which constitutes construed authority for reimbursement on an actual expense basis. See 47 Comp. Gen. 405 (1968).

In accordance with such authority, paragraph M4159-5 of 1 JTR, provides in effect that when a member performs circuitous travel involving transoceanic travel the member is entitled to reimbursement for the cost of the transportation utilized not to exceed transportation by Government aircraft or vessel or Government procured transportation or transportation procured at personal expense, depending on the circumstances involved.

The provisions of 1 JTR, dealing with permanent change-of-station travel to, from, or between points outside the United States do not specifically provide what expenses are considered actual expenses when a member is authorized to use his privately owned boat for travel from a point outside the United States to a point within the United

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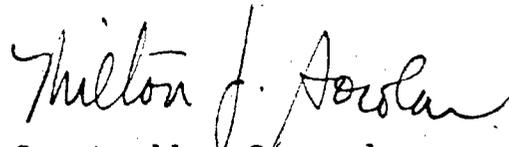
States. However, other provisions of 1 JTR, while not specifically applicable to travel outside the United States, do specifically set forth what are considered actual expenses when a member is authorized to use his privately owned boat. In such cases reimbursement is limited by the regulation to fuel, oil, and docking fees. See 1 JTR, paragraph M4203-3(g), and 47 Comp. Gen. 325 (1967).

In that regard it is our view that the limitation on the actual expenses with regard to privately owned boats contained in 1 JTR, paragraph M4203-3(g), would be applicable in determining actual expense incurred in connection with a transoceanic crossing. Thus, it is our view that the member is entitled to reimbursement on an actual expense basis not in excess of the regulatory limitations.

Accordingly, the purchase of diesel fuel and lube oil for the transoceanic travel, as well as payment of moving and docking fees, were necessary expenses directly connected with the operation of the privately owned sailboat payable under the authority of paragraph M4159-5 of 1 JTR, provided they do not exceed the cost of air transportation authorized. However, expenditures for insurance and food and consumable stores used in the trip are personal expenses and there is no authority in the regulation for their payment.

It would appear, however, that Captain Parrish may be entitled to per diem computed in accordance with 1 JTR 4204-1 on a constructive travel basis.

The voucher submitted with the request is returned for payment, if otherwise correct, in accordance with this decision.



For the Comptroller General
of the United States